



TOWN OF

KENSINGTON

MAY
2003
JOURNAL

May 19th at 7:00 p.m.
Candidate Forum

May 19th Town Meeting Agenda
(immediately following Candidate Forum)

**Forum on zoning related regulations of Montgomery County
with the following agencies:
Dept. of Permitting Services, M-NCPPC, HPC, and Board of Appeals**

Public Hearing/Adoption of 2003/2004 Town Budget

*** TOWN ELECTIONS ***

JUNE 2, 2003 6 P.M. TO 9 P.M.

At Town Hall, 3710 Mitchell Street, Kensington

Candidates for Council

**DARIN R. BARTRAM
GLENN A. COWAN
SARA LOECHEL TIMLIN**

**TWO COUNCIL MEMBER POSITIONS
TWO YEAR TERMS**

Contact us at 3710 Mitchell Street, Kensington, MD 20895
Phone: 301-949-2424; Fax: 301-949-4925;
E-mail: mayor.council@tok.org; Web Site: www.tok.org

Farmers Market

Don't forget to stop by the Farmers Market Saturdays 8:00 – 12:00. This year we welcome a new sea food vendor, Salt Water Lobster, as well as old friends Denise Anderson (baked goods), Dave Dowling (flowers), Jean Ann Feneis (soap), John Hilker (produce), Steve Pataki (azaleas), and Dave Richards (produce).

Upcoming Meeting Schedule

June 9 at 7:00 p.m. Work Session
July 14 at 7:00 p.m. Work Session
August 11 at 7:00 p.m. Work Session

*** TOWN ELECTIONS ***

JUNE 2, 2003 6 P.M. TO 9 P.M.

TWO COUNCIL MEMBER POSITIONS TWO YEAR TERMS

Voter Qualifications: Every person who is a citizen of the U.S., at least 18 years of age, has resided within the corporate limits of the Town for thirty days and is registered in accordance with the provisions of the Town Charter shall be a qualified voter of the Town and shall be entitled to vote at any or all Town elections.

Voter Registration: Registration by a Town resident with the Montgomery County Board of Supervisors of Elections shall be deemed registration for Town elections. Applications for such registration must be received at the County Board on the fifth Monday prior to an election (April 28, 2003). Please note: you must be registered by the County with a Town address.

Town citizens, who do not register to vote with the County, may register with the Town at the Town office, Monday through Friday, 8:00 a.m. to 4:00 p.m. Town registration books close on May 27, 2003.

Absentee Voting: Any qualified and registered voter may apply at the Town office during regular office hours for an absentee ballot if he or she cannot be present at an upcoming Town election.

Volunteer Needed

A volunteer is needed to serve on the Town's Audit Committee. If you are interested, please contact the Town Office for more information.

Please Be Alert!

There have been recent thefts of landscaping equipment.

Building Permits Issued

Install Fence at 10400 Montgomery Avenue
New House at 10213 Summit Avenue
Install Fence at 10314 Fawcett Street
Driveway Repair at 3811 Calvert Place
Install Fence at 3707 Farragut Avenue

Thank You

Thank you to Sue Gander for volunteering to help with the Earth/Arbor Day Celebration.

Thank you to Jenny Smith, Margaret FitzPatrick, and Debra McCurry for providing a delicious lunch for the Town Crew during Municipal Government Week.

Thank you to Allison Aubrey and Derek Symer for organizing a group of residents to pick up trash along Silver Creek.

Message from the Mayor's Desk

Your Town government has continued to improve the well being of our Town. Through the help of citizen volunteer efforts we have maintained and improved the quality of life we have all grown accustomed to in Kensington. Our Labor Day Parade, Fourth of July Bike Parade, 8K Race and other events continue to bring citizens together to enhance friendships and gain pride in our Town.

This past fiscal year has proven that Kensington is a great place to live and work. The infrastructure i.e. street maintenance, Town Hall restoration and sidewalk improvements are ongoing with much being accomplished in the 2002/2003 budget.

The proposed 2003/2004 budget is \$391,845 higher in expenditures than revenues we expect to receive. We have decided to transfer this amount out of surplus and continue to improve our Town. Since all of us are experiencing increases in Federal, State and County taxes, the Council has chosen not to increase our Town tax this year.

We have had several line items added due to mandates from the State. The first is related to environmental standards for storm drain runoff and the maintenance of the storm drains. We have allocated \$60,000 in the budget to address this need, \$88,000 has been included to repair the Kent St. and Kensington Parkway bridges. Health coverage for all employees has risen by 50%-70% the final numbers are not reported as of this report.

We continue to improve our parks through maintenance and adding equipment, benches, tables and soon St. Paul Park will see another face lift. We have removed old trees in our parks and along street rights of way. As we replace we also add more trees to enhance our environment.

Metropolitan Ave. streetscape is a vast improvement to what had been an eyesore. The curb, gutter, sidewalk element with trees now have business owners happy with the much improved business district. The pedestrian friendly ambiance of our north shopping area has customers and residents walking more safely from shop to shop.

Phase III of Howard Avenue is about to begin and will be finished by the end of summer. If you can remember what Howard and Metropolitan Ave. looked like before the streetscape improvements you realize what a major impact on our Town has occurred.

The Town is looking forward to improvements to the Safeway site and the cement plant. We are also looking forward to the Kensington Cabin restoration and reuse.

All that we accomplish is a joint effort of Town government, citizen volunteer and merchant cooperation. The communication between all of us is most important to continue to grow and improve.

Feel free to contact the Town office to discuss any concerns or suggestions you may have and wish to share. The Mayor is available Mon-Fri, 8:30-4:00.

COUNCIL REPORTS

Council Member Carr (301/946-4956, acarr@aol.com)

Traffic and Safety

Great News! Both bodies of the MD State Legislature passed a bill (SB455) to enable radar speed cameras. Similar bills had been introduced for years, but always died in committee. Thanks to the efforts of the Maryland Municipal League (under the presidency of Lynn Raufaste), other organizations and many dedicated individuals (including Council Member Pfautz), the bill passed both houses. If signed into law by the governor, this legislation could be used here in Kensington to enforce speed limits on our most dangerous roadways. Similar laws have been effective in other jurisdictions at reducing accident rates and slowing down speeding drivers. Please contact the Maryland Governor and ask him to sign Senate Bill 455 into law.

Preservation

Kensington lost many beautiful old houses to commercial development and road construction in the 1950s and 1960s. We are about to lose another wonderful old house. The house at 10422 Armory Ave. (just outside the historic district), built in 1929 cannot reasonably be incorporated into our new Safeway and will have to be moved if we want to preserve it. Moving it to another location could save the house. It would take some creativity and some hard work, but it is certainly doable. I am hoping that an energetic

individual will step forward and lead the efforts to save this house. Please let me know if you are interested.

Did You Know...

Did you know that there is a community listserv (e-mail list) for Town of Kensington residents? The listserv is called **Kensington** and is a wonderful resource to enable people to share information with neighbors. It is a great way to advertise your yard sale, organize a community cleanup, get referrals for a contractor, locate a running partner or just be informed about local happenings. If you would like to join the list, send a blank e-mail message to kensington-subscribe@yahoogroups.com (Note: this is not to be confused with the Town sponsored e-announcements that are a great way for residents to get quick updates from the Town staff).

Council Member Cowan (301/933-8156, gcowan993@earthlink.net)

Land use issues continue to demand considerable Council attention. Not unreasonably, residents care a good deal about neighborhood construction and raise objections to those projects they feel are detrimental to themselves or the community at large. Not infrequently, misapprehensions about a specific plan or the scope of Town of Kensington regulations lead to unwarranted concerns which are often mitigated through open discussions at Town meetings.

In some cases problems have arisen due to imprecise language in our codes or provisions that were once appropriate but may now need revision. By way of addressing some of these concerns Councilwoman Pfautz and I will be analyzing three specific regulations – Building Code setback requirements, Building Code appeals and Residential Zoning - and will make recommendations for Council action in the coming months.

The current Building Code requires ten foot side yard setbacks without exception. This standard has been variously interpreted over the past decade and is the subject of many variance requests. We will assess the impact of various amendments to this requirement and prepare an analysis of these for Council and citizen consideration. Any change would require a public hearing and formal Council action.

Citizen knowledge of pending construction projects is crucial to amicable land use regulations – nobody likes surprises. Our current Code is silent on the process for appealing the issuance of a building permit although we do have a functioning administrative system for such appeals. We will analyze how best to incorporate a more formal appeals process in a manner that affords protection to both adjoining property owners and building permit applicants.

The County controls the use of land in Town through its Zoning ordinance. We feel an overlay zone can provide Kensington with greater protection and flexibility than a continued reliance on county-wide regulations. Later this summer we will have public discussions on these issues and eventually make recommendations to the Town Council on the substance of such an overlay for eventual passage by the County Council.

Council Member Pfautz (301/942-4821, pfautzl@staff.abanet.org)

Budget and Finance: I have been working with the Mayor and Clerk-Treasurer on the 2003-2004 draft budget. In conjunction with this work, I studied health benefit proposals for staff coverage to assess potential current and future cost savings and efficiencies.

Charter Review: Code amendments were adopted at the March 31st Town Meeting. The amendments, listed in the March Journal, were necessary to reflect recent Charter amendments and to include municipal infraction fines (two more will be introduced at the May or June meeting). The Committee is currently researching a potential Charter change with regard to date of registration before Town elections.

Commercial Review Committee: The Commercial Review Committee met twice recently. The first meeting was to hear from new owner representatives of the old Sunoco site who wish to open a new gas station, mini-mart and Dunkin Doughnuts at that location. The second meeting to hear from the owners of the old cement plant property who would like to construct a retail building – to include a restaurant and commuter parking – at that location.

Other: In coming months, I will be working with Council Member Cowan in drafting potential residential land use overlay or regulations.

Council Member Scharman (301/946-8132, bjmscharman@cs.com)

PARKS - USAGE, AGREEMENTS, AND PERMITS: I drafted and discussed draft park permitting procedures with the Mayor and Council. Please contact me or pick up a copy at the Town office if you would like to review or discuss this. I have outlined a simple permit process in the event the Town needs to adopt a mechanism to monitor and control intensive park usage in the future. I compared the Montessori School's (SBMA) proposed agreement for park usage and gate installation with the types of conditions set forth in other towns' permit procedures. Despite my concerns with that proposal, agreements are indeed possible if certain conditions are met which are sufficiently protective of the Town, its property, and all park users.

I prepared two memos (March 31, April 9) on the draft agreement submitted by SBMA on March 28, and submitted these for review during the negotiation process. My concerns included: the hours of use should equal those represented by SBMA at public meetings; the days of the week/year of park usage should be specified; the length of the agreement should be finite (renewable yearly); the Town must be able to revoke the agreement for non-compliance by SBMA; the bond be increased to an adequate level to cover potential litigation and damages per our request to SBMA at a prior meeting; that the hold harmless and indemnifications statements be amended and reviewed to insure protection of the Town; and that all County and State permits be obtained before any agreement is signed. By April 15, these concerns had not been addressed.

Citizens have been concerned since we received two proposals requesting commercial and institutional uses of our parks, somewhat more intensive than what we now experience. This is when the questions surfaced of our authority to manage our park

resources. Our charter and code are clear on our authority to establish whatever methods we deem necessary to manage our parks for public enjoyment. I began researching these methods last fall. Municipal officials and park liaisons in Maryland have told me that permitting and rules, is the most common and responsible way to manage recreational spaces in a fair, sustainable, and enforceable way.

The discussion on park permitting was originally scheduled for the March 3 Work Session since there was so much citizen concern about our authority to manage usage of our parks. We decided to postpone this discussion to another meeting, and we asked SBMA to first acquire all their County and State permits and licenses before continuing negotiations. They then represented they had all the County and State approvals they needed, and we believed written approvals would be forthcoming. They were then told they could submit a draft agreement or letter.

In summary, park permitting would not change the way we currently use our parks. It would provide a mechanism where we could consider future requests by large groups for regular use and a way to place conditions on those uses. The Town could also consider entering into an agreement with any legally operating or planned entity, so long as the Town insures that reasonable access and enjoyment remains available to all users and that the Town incurs no additional liability.

OTHER - I drafted language on appeals of building permits, including language regarding required public notification, so the opportunity to comment on Town-issued permits would be afforded to interested parties. I attended the Kensington Revitalization Steering Committee meetings and continue to work with its other members to develop ideas and methods for enhancing economic development in Town.

Tree Board Meeting Minutes

The Tree Board met on April 2, 2003. In attendance: John Anderson, Anne Elsbree, David Furman, Lousie Hamilton, Sabooh Hikim, Barbara Scharman.

A spring planting plan for street trees and rights-of-way was drafted. The updating of the street tree inventory and the development of a park tree inventory were discussed. Ideas for Earth/Arbor Day, scheduled for April 27, were discussed. Mapping resources and methods for data management for the inventory will continue to be investigated. We will be applying for funding to the State for our spring tree planting through the same program we obtained funding from for our fall planting.

Budget Meeting

April 15, 2003, 7:00 p.m.

Mayor Raufaste, Council Members Carr, Cowan, Pfautz, Scharman, Clerk-Treasurer Engels, and Director of Operations Furman were present. The group reviewed projected revenues and expenses for the proposed Fiscal Year 2003/2004 Town Budget. The proposed budget will be introduced at the April Town Meeting.

The Council also discussed the revised agreement received from SBMA. There was discussion and attempts to address Council Member's Scharman's concerns with regard to the length of agreement (and days of the week) and whether the hold harmless and indemnification statements in the agreement required further amendments. Other outstanding issues were addressed but no consensus on final agreement language could be reached. Therefore, by majority agreement, the Council agreed to discontinue efforts to achieve an acceptable memorandum of agreement with SBMA as it appeared highly unlikely that further negotiations would be productive. A letter will be sent to SBMA informing them that the Council will not be negotiating any controls on the use of the park with SBMA at this time.

Town Meeting

April 28, 2003

A Public Hearing was held on a variance for 10625 Connecticut Avenue (former Sunoco property). The variance request was to locate the building five feet from the North property line instead of the previously granted variance of ten feet. The variance was requested to maintain adequate space between the canopy and building for traffic circulation due to the increase in building size from 1,323 square feet to 1,550 square feet. There was no neighbor opposition.

A Public Hearing was held on a variance for 10212 Kensington Parkway. The variance request was to locate the addition seven feet from the north side yard property line and to locate a three by three-foot landing and several steps within the seven feet. The applicant stated that it was a small house that was already situated seven feet from the north side yard property line and that it was necessary in order for the addition to line up with the existing house. The Mayor read a letter of opposition received from a neighboring property.

Mayor Raufaste called the Meeting to order at 8:35 p.m. with Council Members Carr, Cowan, Pfautz, and Scharman, Director of Operations Furman, and Clerk-Treasurer Engels present. The Pledge of Allegiance was recited. A Moment of Silence was observed.

The Mayor introduced the FY 2003-2004 budget with projected revenues of \$1,517,653 and projected expenditures of \$1,909,498, \$391,845 of surplus would be used to balance the budget this year instead of a tax increase. Expenditures increased due to health insurance, major bridge repairs, storm water reconstruction/management and snow removal.

The Mayor, Council, and Director of Operations presented monthly reports.

Council Actions

Council Member Carr moved to grant the variance as requested for five feet on the north property line at 10625 Connecticut Avenue with the following conditions: review of signs, colors and materials for the exterior of the building by the Town's Commercial

Development Review Committee; compliance with the Town's sign ordinance and County lighting requirements; continuation of streetscaping; and a sidewalk connection to Concord Street (all part of the original approval for Sunoco). Council Member Pfautz seconded and it passed unanimously with the Mayor concurring.

Council Member Carr moved to grant the variance as requested for a three foot encroachment into the ten foot set back on the north side yard property line and an encroachment into that setback by a three by three foot landing at 10212 Kensington Parkway for the following reasons: the current house is relatively small with the proposed addition on the back, the variance is needed on the north side of the property to line up with the existing seven foot setback from 1898, the addition is not very visible from the front of the property, a wooded side yard effectively screens the north side of the property and the variance would not be a detriment to the neighbors. Council Member Cowan seconded the motion. Council Member Pfautz opposed the motion and noted that: LAP requested that the plan for a side porch in the setback be eliminated; the property is in the historic district where more open space between buildings is important, and that the LAP and staff of HPC objected to the continuous nature of the wall and had asked that the new addition be more differentiated. Council Member Scharman also opposed the motion. The Mayor broke the tie vote by voting in favor of the motion as stated stipulating that it does not include a roof over the three by three-foot landing and steps. The motion passed.

Council Member Pfautz moved to set the real property tax rate at the constant yield tax rate of .187 per \$100 and to set the personal property tax rate at .50 per \$100. Council Member Cowan seconded and it passed unanimously.

Council Member Pfautz moved to approve the minutes from the March 31, 2003 Town Meeting and April 7, 2003 Work Session as circulated. Council Member Scharman seconded and it passed unanimously.

There being no further business, the meeting adjourned at 9:15 p.m.

Work Session of Mayor & Council

May 5, 2003

The Work Session commenced at 7:00 p.m., Mayor Raufaste, Council Members Carr, Cowan, Pfautz, and Scharman, Director of Operations Furman, and Clerk-Treasurer Engels were present and the following issues were addressed:

Representatives from the Forest Glen Commonwealth presented information on a proposed railroad history, education and cultural center to be located in the former Aunt Betty's General Store.

The Mayor explained legal reasons for granting variances and explained her decision on granting the variance at 10212 Kensington Parkway.

Council Member Scharman presented a proposed building permit appeal process for the Town Code. The Mayor and Council concurred to write a more informal procedure to provide a better description and notification of issuance of a building permit.

The Project List was reviewed and updated.

Council Member Scharman presented proposed park regulations including descriptions of the parks. The Council will review the document and provide comments to be discussed at the next Work Session.

The Mayor gave the Council a report of a DRC meeting she attended at MNCPPC for Safeway's development.

A business owner requested approval for a permanent sign at Connecticut and Howard Avenues for the West Howard Antique Association. The Council approved the request and the owner will submit the design for further Council approval.

The Code Enforcement Action List was reviewed.

The monthly correspondence was reviewed.

The minutes from the April 15, 2003 and April 28, 2003 meetings were presented for review.

There being no further business, the meeting adjourned at 10:40 p.m.

REVENUES	TOWN OF KENSINGTON	
	BUDGET FY 02/03	PROPOSED BUDGET FY 03/04
Local Taxes		
Real Property Tax	486,049	495,025
Personal and Ordinary Business Tax	119,879	100,000
Shared Taxes		
State Highway User Tax	107,464	77,465
Income Taxes	330,000	355,000
Admissions and Amusements Tax	150	
Licenses		
Building Permits	5,000	3,000
Parking Permits	25	50
Traders' Licenses	12,000	14,500
Cable Franchise Tax	11,000	11,000
Intergovernment		
County Revenue Sharing	97,096	94,937
Bank Shares	4,226	4,226
Grants		
Open Space Grant/Parks	63,000	63,000 **
Fed/State Grants/Town Hall	150,000	150,000
County Grant/Town Hall	100,000	75,000
Other		
Code Infractions	350	450
Interest	25,000	18,000
Armory Rentals	14,000	18,000
Municipal Events	4,000	6,000
8K Race		27,000
Miscellaneous	500	5,000
TOTAL REVENUES	1,529,739	1,517,653

EXPENDITURES	TOWN OF KENSINGTON	
	BUDGET FY 02/03	PROPOSED BUDGET FY 03/04
General Government		
Salaries	127,000	127,000
Social Security/Unemployment	10,838	10,685
Health/Life/Disability Benefits	23,000	37,470
Pension Fund	10,000	20,000
Drug Testing	600	600
Insurance	32,000	34,000
Town Hall Equipment	5,000	6,000
Town Hall Utilities	30,000	35,000
Town Hall Repairs and Maintenance	12,000	16,000
Professional Services	35,000	42,000
Web Site Maintenance/Design		12,000
GASB	15,000	
Mayor and Council Compensation	18,000	18,000
Mayor/Council Legislative, Education, Travel	7,500	9,500
Code Enforcement	250	150
Office Equipment	3,000	3,500
Office Expense	16,000	16,000
Dues and Fees	6,200	6,500
Training/Seminars	1,000	1,500
Town Hall Rental	1,500	
Town Hall Revitalization	275,000	250,000
Municipal Events	17,000	19,000
8K Race		27,000
Miscellaneous	500	1,500
Public Works		
Salaries	255,000	270,000
Social Security/Unemployment	22,126	22,593
Health/Life/Disability Benefits	59,000	95,100
Pension Fund	20,000	10,000
Injured Workers Insurance	14,000	20,900
Engineering Services	5,000	5,000
Equipment CIP	30,000	
Street Lights	37,000	37,000
Bridge Reconstruction		88,000
Street Reconstruction	315,000	240,000
Street Maintenance	10,000	25,000
Sidewalk Maintenance/Reconstruction	40,000	40,000
Stormdrain Maintenance/Reconstruction	10,000	10,000
Stormwater Management (State Mandate)		60,000
Traffic Calming	20,000	38,000
Landscaping	50,000	50,000
Park Equipment/Maintenance and Repairs	88,000	88,000
Small Equipment/Maintenance and Repairs	7,000	10,000
Vehicle Expenses	20,000	
Vehicle Preventative Maintenance	7,000	
Vehicle Maintenance/Repair		23,000
Vehicle Expenses Fuel		8,400
Shop Supplies/Tools		6,000
Garage Maintenance/Utilities	4,000	8,000
Uniforms	1,500	1,500
Disposal Costs	25,000	38,000
Recycling	17,500	17,600
Street Sweeping	6,000	
Training	750	2,500
Miscellaneous	500	1,500
TOTAL EXPENSES	1,710,764	1,909,498
FROM UNSPENT SURPLUS (Fund balance)	181,025	391,845
REVENUES OVER (UNDER) EXPENDITURES	-	-

*Fund balance as of 6/30/02 - \$1,217,244.

**The Town will be applying for additional POS grants in FY 2003-04. If successful, the revenue and expense line items will be adjusted accordingly.